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**DISCRIMINATION COMPLAINT FORM
to the
United States Department of Education
Office for Civil Rights**

1. Name of person filing this complaint:

Last Name, First, Middle	<u>Swain, Lauren</u>
Address:	<u>8532 N. Ivanhoe St., #208</u>
City, State, Zip Code:	<u>Portland, OR 97203</u>
Home/Work Telephone:	[REDACTED]
Email Address:	<u>lauren@paulsouthwick.com</u>

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent or legal guardian is required.

Last Name, First, Middle	<u>Hunter, Elizabeth</u>
Address:	[REDACTED]
City, State, Zip Code:	
Home/Work Telephone:	
Email Address:	

3. OCR investigates discrimination complaints against institutions and agencies which receive funds from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution:	<u>Bob Jones University (BJU)</u>
Address:	<u>1700 Wade Hampton Blvd.</u>
City, State, Zip Code:	<u>Greenville, SC, 29614</u>
Department/School:	

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, age or retaliation. Please indicate the basis of your complaint:

- Discrimination **based on sex (specify)**

Discrimination on the basis of (sexual orientation, gender identity and/or marital status)

ELIZABETH HUNTER et al.

v.

U.S. DEPARTMENT OF EDUCATION, et al.

Case No. 6:21-cv-00474 (AA)

GOV Ex. 20

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5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

BJU publishes anti-LGBT policies in its student handbook, including a prohibition on students advocating for LGBT rights on social media. School staff disciplined Elizabeth for posting pro-LGBT material on social media and tried to force her to admit her sexual orientation during a long meeting. They asked her to disavow her support for LGBT rights and relationships, then put her on probation for refusing to do so. As a result, Elizabeth felt she could not express her views about LGBT rights and that she must hide her sexual orientation for the remainder of her time at BJU. See attached declaration.

6. What is the most **recent date** you were discriminated against?

Date: Current, Ongoing

7. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

X I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why you waited until now to file your complaint.

1) the Covid-19 pandemic;
2) The Trump administration's policies and statements about religious exemptions to Title IX;
3) The Trump administration's policies and statements about Title IX not prohibiting discrimination on the basis of sexual orientation or gender identity.
4) Although the initial act of discrimination took place more than 180 days ago, Elizabeth's complaint should not be considered time-barred because Bob Jones continues to discriminate against Elizabeth and to promulgate policies and practices that discriminate against LGBTQ+ students.

8. Have you attempted to resolve these allegations with the institution through an internal grievance procedure, appeal or due process hearing?

No

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9. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

Agency or Court: U.S. District Court - District of Oregon - Eugene Division

Date Filed: 03/29/21

Case Number or Reference: 6:21-cv-00474-AA

Results of Investigations/Findings by Agency or Court: Pending

10. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Not applicable

11. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Elizabeth would also like Bob Jones's policies amended to state that (1) same-sex dating relationships and displays of affection will be treated by Bob Jones in the same manner as opposite-sex dating relationships and displays of affection; (2) students will not be punished for coming out as LGBTQ+ or for expressing their sexual or gender identity (through pronouns, clothing, hair, makeup, etc.); (3) Bob Jones will not encourage or facilitate conversion therapy or any other sexual or gender orientation change efforts; (4) students who report sexual or physical assault will be granted safe harbor from discipline relating to sexual activity or other code of conduct violations; and (5) Bob Jones's non-discrimination policy includes sexual orientation and gender identity as applied to all aspects of Bob Jones, including housing and other programs.

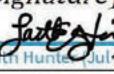
12. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

07/24/21

[Date]

Jul 24, 2021

[Date]


(Signature)

Faith Hunter [Jul 24, 2021 14:49 EDT]
(Signature of person in Item 2)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

Elizabeth HUNTER; et al., on behalf of themselves and all others similarly situated,)	
)	Civil Action No.
Plaintiffs,)	
v.)	DECLARATION OF
)	ELIZABETH HUNTER
U.S. DEPARTMENT OF EDUCATION and Suzanne GOLDBERG, in her official capacity as Acting Assistant Secretary for Civil Rights, U.S. Department of Education,)	
)	
Defendants.)	
)	

I, Elizabeth Hunter, declare:

1. I am over 18 years of age and have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.
2. I lived in foster care until the age of 10 and survived a sexual assault during this time.
3. I was then placed with a family and grew up in Texas as part of a fundamentalist Christian cult most well-known for the Duggar family.
4. I am currently a resident of Greenville, South Carolina, located in Greenville County.
5. My parents did not want me to attend college because I am a woman. However, I applied to college without my parents knowing.
6. I applied to Bob Jones University, a conservative Christian college known for its recent racist policies, mishandling of sexual abuse claims and ongoing ultraorthodox social policies, because it was one of the few colleges that I thought I could attend without being disowned by my parents.
7. In August of 2015, I started my freshman year Bob Jones University in Greenville, South Carolina.
8. Bob Jones University's student handbook outlines rules of behavior for students. This handbook contains several sections dealing with "purity" or sexual conduct in general.
9. The "purity" section towards the beginning of the handbook sets the tone for the school's policies towards sexual conduct. The section states that purity means "honoring God's design for sex, celebrating and practicing it only within the marriage relationship between one man and one woman for a lifetime."

10. Bob Jones University also has strict internet, social media, and entertainment policies, which includes a description of a “content filtering system to restrict biblically offensive material on the internet” that the students at the school are not allowed to bypass. The social media policy also includes the wording that students’ social media content should “be biblical and avoid promoting a lifestyle contrary to the principles taught in scripture or at the university”.
11. The handbook has an official “position on human sexuality” stating that the “New Testament exhorts believers to strive to live morally pure and sexually undefiled lives even in the midst of an immoral and sexually permissive culture”.
12. Included in this handbook is: “Consistent with our commitment to God’s design for gender identity, the public advocacy for or act of altering one’s biological sex through medical transition or transgender expression is prohibited. Any same-sex dating or advocacy for such is also prohibited. BJU’s perspective also applies to but is not limited to- the use of bathrooms, locker rooms, student housing, attire polices and participating in sex-specific university groups, clubs and organizations.”
13. Appendix B in the student handbook further reiterates the school’s position on “Marriage and Human Sexuality”. It begins by stating that “Bob Jones University believes marriage is an institution ordained by God and prescribed by the Scripture to be a monogamous relationship between a man and woman physically created in these respective genders by God. We believe God intended heterosexual marriage to be an enduring covenanted relationship established before Himself and man to propagate the human race, lovingly express healthy relational and sexual intimacy, and picture the covenant relationship He has with all genuine believers.”
14. Appendix B also states in its “Context for Human Sexuality” that “the Bible restricts all forms of consensual sexual activity to within the boundaries of the marriage relationship...The Bible clearly prohibits not only non-consensual sexual conduct but also any consensual sexual activity outside the boundaries of heterosexual marriage...Furthermore the Bible specifically names as sinful and prohibits any form of sexual activity between persons of the same sex...polygamy...bestiality...adultery...and fornication of any sort including pornography.”
15. Appendix B also has a “Statement on Gender Identity” in which the handbook states “God created man and woman in his image as two distinct but equal genders which he intends to use for his glory...Furthermore, individual gender is assigned by God and determined at conception...Therefore we believe that to intentionally alter or change one’s physical gender or to live as a gender other than the one assigned at conception is to reject God’s right as Creator to assign gender to his creatures and is a personal rejection of His plan to glorify Himself through the original gender He assigned that individual.”
16. As someone figuring out their sexuality while at college, Bob Jones University’s policies on sexuality and marriage created a scary, harsh environment for me.

17. I am now fully out as a lesbian woman but I was not able to be fully out at Bob Jones University.
18. I initially started coming out to some friends my junior year at Bob Jones University but I knew that it was not safe to come out to BJU faculty or staff or to be out on campus.
19. However, I began posting about some LGBTQ+ issues and themes on social media during this time.
20. In one of my social media posts, I reviewed a book with a lesbian main character and mentioned on Twitter that I was writing a book with a lesbian relationship.
21. After school leadership discovered my online activity, I was questioned about my sexuality and subsequently disciplined.
22. During a three hour meeting with a BJU administrator, where I was summoned without advance notice, I was told by school leadership that I “must be gay” for reading and writing these materials.
23. They had printed out all of my Tweets and went through them one by one. They tried to get me to admit that I was a homosexual.
24. I was scared. I didn’t know what to do.
25. I knew I was gay but I also knew that I could not fully admit it to them or I would be expelled. So, I told the administrator that I “was not straight” but that I was probably asexual, like the Apostle Paul.
26. I also told them adamantly that I had not been sexually active with women or men and therefore had not broken any specific rules.
27. I was asked to disavow my support for LGBTQ+ rights and relationships. I refused. It would have been like disavowing myself.
28. As a result, BJU put me on disciplinary probation.
29. I was also immediately terminated from my on-campus student life position in the school’s media department, a position I treasured.
30. BJU also forced me to attend mandatory counseling with the Dean of Women.
31. I was also required to pay a monetary fine to BJU for my code of conduct violation.
32. This was the darkest month of my entire life. I felt depressed and suicidal.
33. For the rest of my time at BJU, I was forced completely back into the closet and had to hold my head down in shame.

34. I felt like I was being watched and monitored. When I told a friend about my disciplinary meeting, the administration got word of that and angrily told me that I was not allowed to discuss the disciplinary meeting with anyone.
35. My entire education experience was forever tainted by the shaming I endured at BJU. I survived and graduated in May of 2019. But I still feel the sting of the discrimination I endured.
36. The policy towards LGBTQ+ students at Bob Jones University is harsh and incredibly frustrating. It creates extreme shame and confusion by lumping all sexual behavior outside of heterosexual marriage, including homosexuality, adultery and bestiality, into the same category.
37. The campus culture at BJU is toxic for LGBTQ+ people. Homophobia among the student body, faculty and administration is rampant. LGBTQ+ students have to hide who we are and will suffer grave consequences if we come out and stand up for ourselves.
38. We have no one at BJU to advocate for our safety or our rights. We are alone.
39. Moreover, BJU cannot be trusted to monitor its compliance with Title IX on its own. A two-year investigation into BJU's handling of reports of sexual abuse culminated in the issuance of the GRACE Report in December 2014. GRACE spoke with about 40 survivors, finding that students who reported abuse were blamed for bringing it on themselves and that proper authorities had not been notified.
40. The GRACE Report specifically called out the culpability of one of BJU's senior administrators and recommended that he not be allowed to speak or consult on any issue relating to counselling on or off-campus. Nevertheless, BJU allowed this man to speak at two recent Mental Health themed services in 2019/2020.
41. Additionally, during my junior or senior year, while in a public relations class, another student asked the Provost of academic programs, who was also on the Board of BJU, about the *Bob Jones v. United States* case decided by the United States Supreme Court in 1983 concerning BJU's policies against interracial dating at the time.
42. This student asked the Provost how BJU could justify their anti-LGBTQ policies now, given that they lost the interracial dating case. The Provost replied that BJU would not be able to defend their anti-LGBTQ policies now because BJU had justified its racist policies based on the Bible but they eventually had to admit that they were wrong about interracial dating and that their beliefs changed.
43. I only recently came out to my family as lesbian. I waited until I was financially secure because I feared that they would shun me.
44. I am participating in this lawsuit because I am hopeful that things will change.
45. Experiencing hate and discrimination should not be a part of attending college.

46. I am a federal income taxpayer in the United States. I will also be required to repay student loans from the U.S. Department of Education that I took out to study at Bob Jones University.

47. Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this ____ day of March, 2021.

By:


Elizabeth Hunter

Elizabeth Hunter Declaration v2

Final Audit Report

2021-03-24

Created:	2021-03-24
By:	Lauren Swain (lauren@paulsouthwick.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAATT4YD0GLHgITO2_29vkOBfOVN26Z-Pua

"Elizabeth Hunter Declaration v2" History

-  Document created by Lauren Swain (lauren@paulsouthwick.com)
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